

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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| FREDERICK DAVENPORT, | : | |
| Plaintiff, | : | Case No. 3:06CV402 |
| vs. | : | District Judge Thomas M. Rose |
| | | Magistrate Judge Sharon L. Ovington |
| MICHAEL J. ASTRUE, | : | |
| Commissioner of the Social | : | |
| Security Administration, | : | |
| Defendant. | : | |

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. # 13), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on February 15, 2008 (Doc. # 13) is ADOPTED;
2. The Commissioner's non-disability finding is vacated;
3. No finding is made as to whether Plaintiff Owen Brown was under a "disability" within the meaning of the Social Security Act;

4. This case is remanded to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. §405(g); and
5. The case is terminated on the docket of this Court.

March 4, 2008

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge